

### **REMARKS**

Claims 1 and 4-15 are all the claims pending in the application. By this Amendment, Applicants amend claims 1 and 4-8 to cure minor informalities and clarify the invention. Applicants also add claims 9-15. No new subject matter has been entered.

#### **Amendments to the Specification**

The Title of the application has been amended to cure minor informalities. No new subject matter has been entered.

It is assumed that the amendments to the Title were not entered with the Amendment filed July 18, 2008.

#### **Claims reactions**

**Claims 1-2 and 4-8** stand rejected under 35 USC § 102(e) as being anticipated by Doverspike (U.S. Patent No. 6,982,951).

**Claim 1** calls for among other elements: “receiving the message with the collected parameters values in the destination node; and using an optimization method to process the collected parameters values in the destination node upon receipt of the message to select the spectral route and the spatial route that supports the selected spectral route by selecting the wavelength to be used, or the wavelengths to be used successively.”

#### **Doverspike lacks processing the collected parameters values in the destination node upon receipt of the message with the collected parameters**

The Examiner asserts that Doverspike discloses “all of the information needed for the computation of the service and restoration paths could be maintained at every OXC node. Thus, Doverspike does teach the above limitation.” (*See* Final Office Action, page 5, lines 15-18). The Examiner further asserts that “the storing information needed for calculation of the paths in the destination node does teach computing the paths.” (*See* Advisory Office Action, page 2).

**Doverspike** clearly discloses that the computation of the service and restoration paths are performed at the source OXC only. (Col. 7, lines 57-58, Col. 8, lines 13-14). The recitation that “all the information needed for the computation could be maintained at every OXC node” (col. 7 lines 30-32) is not in contradiction with this feature. It is rather a confirmation of this feature. Indeed, Doverspike aims at providing a method of selecting a restoration path in a mesh telecommunication network that may be pre-computed along with a service connection path during the setup of the connection.

However, maintaining all the information needed for the computation at every OXC node enables every OXC to operate as a source node for a future connection. Therefore, to perform the route computations, the necessary information is made available to every OXC so it can serve as a source node and perform the computations. (See col. 5, lines 64-67). Doverspike does not teach or suggest receiving a message with the parameters at the destination node and computing the route computations at the destination node upon receipt of the message. To the extent Doverspike teaches computing the route at the node, the route might be computed with the parameters previously stored. According to Doverspike, such node, which performs the calculations, must serve as a source node and not a destination node.

To the contrary, claim 1 calls for the destination node to receive the parameters in the message and process the parameters upon receipt of the message to select the spectral path and the spatial path.

Because Doverspike does not teach or suggest at least “receiving the message with the collected parameters values in the destination node; and using an optimization method to process the collected parameters values in the destination node upon receipt of the message to select the spectral route and the spatial route that supports the selected spectral route by selecting the wavelength to be used, or the wavelengths to be used successively,” **claim 1 and dependent claims 4-8** distinguish patentably and unobviously over Doverspike.

**New Claims**

In order to provide more varied protection, Applicants add claims 9-15 which are patentable at least by virtue of their dependencies and for additional features set forth therein.

The support for claims 9-15 may be found in the specification, for example, on page 6, lines 34-36, page 8, lines 21-26.

**Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

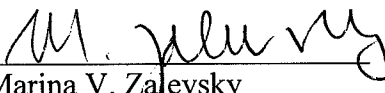
Respectfully submitted,

SUGHRUE MION, PLLC  
Telephone: (202) 293-7060  
Facsimile: (202) 293-7860

WASHINGTON OFFICE

**23373**

CUSTOMER NUMBER

  
Marina V. Zayevsky  
Registration No. 53,825

Date: September 18, 2008